

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Jonathan J. Hull, et al.)	Examiner: Ke, Peng
)	
Application No.: 09/532,412)	Art Unit: 2174
)	
Filed: March 22, 2000)	Confirmation No.: 8317
)	
For: MELDED USER INTERFACES)	
)	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181(a)**

Sir:

In response to the Communication Re: Appeal dated January 19, 2006, Applicant hereby petitions to withdraw holding of abandonment based on failure to receive office action.

The communication indicated that the present application was deemed to be abandoned because the appeal brief was not in compliance with 37 C.F.R. §41.37(c). Based on previous communications, Applicant assumes that the “Summary of Claimed Subject Matter” section of the appeal brief previously filed was ruled not in compliance with 37 C.F.R. §41.37(c). However, Applicant reasonably believes that the alleged section is in compliance with 37 C.F.R. §41.37(c).

Before Applicant discusses these issues, a brief history is provided herein. In response to a final office action, a Notice of Appeal was filed 7/25/2005 and an appeal brief was filed

12/23/2005. The Examiner's Answer was issued 3/9/2006 and Applicant's reply brief was filed 5/9/2006. On 7/26/2006, a communication was issued from the patent office indicating that the reply brief has been considered and forwarded to the board of appeal. During these events, the format of the appeal brief had not been rejected.

Subsequently, a supplemental examiner answer was issued 1/16/2007 in response to the Order Returning Undocketed Appeal to Examiner because of lack of required signatures. Although there is no requirement on the Applicant's side to respond to the Examiner's answer, as matter of formality, Applicant filed the same reply brief again on 3/16/2007. On the same date (3/16/2007) a Notice of Noncompliant Appeal Brief was issued indicating that the Summary of Claimed Subject Matter did not provide mapping of specification to independent claims 1, 9, 17, 25, 29, 33, and 37. A response was filed 4/5/2007 to correct such defects.

A second Notice of Noncompliant Appeal Brief was issued 7/24/2007 without stating exactly what the defect was. Applicant thereafter contacted Everett R. Williams of Technology Center at (571)272-3619 for clarification. Applicant was told that the previous response only contained page mapping without the line number mapping.

In addition, Applicant discussed with Everett R. Williams whether each of the independent claims even though they are argued together must be mapped. Applicant was told that only the representative claim needs to be mapped if they are grouped together (to avoid unnecessary duplication). Dependent claims were never an issued during the discussion as well as in any Notice of Non-compliant Appeal Brief. A response was subsequently filed on 8/24/2007 to correct the defect.

Applicant has been responding in good faith based on the communications with the patent office and has been reasonably believing that the reply brief is in compliance with the

patent office's requirement. Even if the latest filed reply brief were considered not in compliant with the requirement, the board of appeal should just ignore it as if it had not been filed, since Applicant has no obligation to respond to the Examiner's supplemental answer. Thus, the appeal should not be ruled as abandoned. Therefore, Applicant respectfully requests the Notice of Abandonment to be withdrawn.

Applicant believes that there is no fee incurred in this matter. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: January 11, 2008

Kevin G. Shao
Kevin G. Shao
Attorney for Applicant
Reg. No. 45,095
Kevin_Shao@bstz.com

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300

CERTIFICATE OF TRANSMISSION

I hereby certify this document is being transmitted via EFS-WEB
on the date shown below:

January 11, 2008
date

/Kevin G. Shao/
Kevin G. Shao